

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
Hq.foia@epa.gov  
(202) 566-1667

October 24, 2018

Dear FOIA Officer:

This letter constitutes a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the FOIA regulations of the Environmental Protection Agency (EPA), 40 C.F.R. § 2.100 *et seq.* We hereby request that a copy of the following documents, in either paper or electronic format, be provided to us:

All email communications, including attachments, between any EPA officer or employee and any individual representing or purporting to represent President-elect Trump, or the Trump presidential transition team, regardless of the domain of the email address on either side of the communication, between November 8, 2016, and January 20, 2017.

We are full-time law professors researching an academic article on presidential transitions. These records are sought for the purpose of furthering our scholarly research and not for any sort of commercial use. We request a waiver of search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest because it is “likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). We aim to significantly improve public understanding of the operations and activities of presidential transitions. The transfer of power from one administration to another, in particular inside the federal agencies where most of the work of government is done, is poorly understood by both the public and many scholars. By examining the types of interactions between a transition team—which both represents and serves as a precursor to an incoming administration—and agency officials, we will be able to demonstrate the sorts of conflict and cooperation that characterize transitions. And, as you know, courts have held that FOIA waiver requests should be “liberally construed in favor of waivers for noncommercial requesters.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003).

Should our waiver request be denied, our status as employees of an educational institution seeking records for scholarly purposes limits the fees we may be charged to duplications above 100 pages. 40 C.F.R. § 2.107(c)(ii).

Should you wish to discuss any aspect of this request, our contact information is set out below.

Thank you in advance for your prompt attention to this request.

Very truly yours,

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